

REMARKS

By this Amendment, claims 1, 14, 16, 22, 36, and 44 have been amended, claims 13, 35, and 43 have been cancelled, and claims 45-48 have been added. Each of the new and amended claims are fully supported by the originally filed application, thus, no new matter has been added by this Amendment.

In a Response to Restriction Requirement dated July 20, 2004, Applicants requested that claims 4, 10-12, 15, 19-21, and 23-27 be withdrawn from consideration. In the Office Action dated August 19, 2004, the Examiner, however, also withdrew claims 5, 7, and 18 from consideration, yet considered claim 21. In the pending Office Action, the Examiner clarified that claim 21 was examined because it read on the species elected by Applicants while claims 5, 7, and 18 allegedly did not. Applicants still do not necessarily agree with the Examiner's current characterizations and assertions regarding Applicants' claims, and Applicants continue to reserve the right to argue the distinctness or lack of distinctness of the claims and asserted species at a later time. Nonetheless, to expedite prosecution, Applicants will again move forward in accordance with the Examiner's identification of claims drawn to the elected species.

In the pending Office Action, claims 1-3, 6, 9, 13, 14, 16, and 36-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,294,260 to Veatch ("Veatch"). In addition, claims 22 and 28-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Veatch, and claim 17 was rejected under 35 U.S.C. § 103(a)

as being unpatentable over Veatch in view of U.S. Patent No. 5,209,239 to Watanabe et al. (“Watanabe”) and in further view of U.S. Patent No. 6,214,037 to Mitchell et al. (“Mitchell”).

Applicants respectfully traverse the rejections of independent claims 1, 22, and 36 based on Veatch. Each independent claim, as currently amended, requires, among other things, an elongated body portion comprising a non-loop segment connected to at least one of said interconnected loops. As illustrated in at least the embodiments of FIGS. 2-3B, for example, the non-loop segment may be “joined to the rest of the body portion 30 through a variety of connections. In a particular embodiment shown in FIG. 2, each end of the non-loop element 32 is joined to a loop 33.” (Application, page 8, paragraph 41.)

Veatch, however, does not disclose or suggest a non-loop segment connected to at least one of said interconnected loops. Instead, Veatch teaches a chain having an inner tensioning member 10 with a stop 18 fastened to a forward end of the chain. The opposite end of the chain is fastened to a rearward stop preferably in the form of a ring 20, and “[s]lidably mounted on the chain are a series of barrel shaped bronze beads 14 having flattened opposite ends 16.” (Veatch, column 2, lines 18-20.) As shown in at least FIG. 1, the slidably mounted beads 14 of Veatch allow the links 12 of the tensioning member 10 to pass therethrough and are not connected to any of the chain links 12 or the tensioning member 10. Veatch, therefore, teaches precisely the opposite

of a non-loop segment connected to at least one of the interconnected loops, as recited in independent claims 1, 22, and 36.

Moreover, neither Watanabe nor Mitchell cure these deficiencies or are relied upon by the Examiner to do so. For example, neither of these references disclose or suggest, among other things, a non-loop segment connected to at least one of said interconnected loops. For at least these reasons, claims 1, 22, and 36 are allowable.

Claims 2-12, 14-20, 23, 44, and new claims 45 and 48 depend directly or indirectly from independent claim 1, claims 28-34 and new claim 46 depend directly or indirectly from independent claim 22, and claims 37-42 and new claim 47 depend directly or indirectly from independent claim 36. Thus, each of these dependent claims are allowable for at least the same reasons stated above with regard to claims 1, 22, and 36. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each are also separately patentable. Though some of these dependent claims have been withdrawn, Applicants request consideration of the withdrawn claims based on the allowability of claims 1, 22, and 36.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this

Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

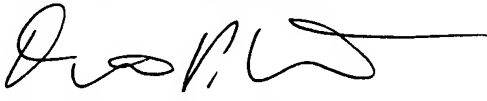
The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 29, 2005

By: 

Dominic P. Ciminello
Reg. No. 54,038